

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, February 6, 2005

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, R. Hall, P. Plante, B. Ryan, G. Zimmer

Members absent: J. Goodwin, K. Holt, P. Kochenburger

Alternates present: C. Kusmer, Pociask, V. Stearns

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:20 p.m., appointing Alternates Pociask, Stearns and Kusmer, in that order, to act as voting members, and Mr. Plante to act as secretary for the meeting.

Addition to New Business agenda – Zimmer MOVED, Stearns seconded to add to the agenda under ‘New Business’ discussion of an effective date for the new Mansfield Aquifer Protection Area Regulations; MOTION PASSED unanimously.

Minutes: 1/17/06 – Ryan MOVED, Gardner seconded to approve the Minutes as presented; MOTION CARRIED, all in favor except Pociask, Kusmer and Hall (disqualified).

Zoning Agent’s Report – The January 2006 Activity Update Report was acknowledged. In addition, the Zoning Agent’s 1/30/06 memo regarding tattoo parlours was noted.

Old Business

Kueffner 1-lot proposed subdivision, Forest Rd., file 1239 – Reports were noted from the Dir. of Planning (2/2/06), Eastern Highlands Health District (1/30/06) and Ass’t. Town Engineer (2/1/06). Mr. Padick stated that abuttor notification receipts have been received to fulfill our requirements. By consensus, action was tabled pending staff review of revised plans submitted earlier in the evening at the Inland Wetland Agency meeting. (For further information, see IWA Minutes of this date.)

Proposed chapel use at 1768 Storrs Rd., file 864-3 - Reports were acknowledged from the Planning Director and Fire Marshal (both 2/2/06); Ass’t. Town Engineer (2/2/06), and Eastern Highlands Health District (2/6/06). Neighborhood notification requirements had also been fulfilled. The Health District memo states that more information is needed on the types of uses proposed in order to assess the adequacy of the septic system. Ben DuBow, representing St. Paul’s, which is currently meeting on-campus, stated that no food service, day care or Sunday School uses are planned; the only uses proposed at this time are for the chapel and office. Mr. DuBow stated that he had communicated the proposed uses to the Health District earlier in the day. Members discussed the proposed hours of operation with regard to the required and existing number of spaces in the parking lot. Mr. DuBow listed the current uses at the building, stating his opinion that

there would be adequate parking spaces for their use, as the present users would not generally be working at night. The presently-planned hours for the chapel use were given by Mr. DuBow as Sunday mornings and 7:30 p.m. or so on Wednesday evenings, although some leeway was requested for potential readjustment of the evening hours in the future. By consensus, further discussion was tabled pending confirmation of approval by the Health District.

Bovino Manor proposed 1-lot subdivision on Conantville Rd., file 1241 – Reports have been received from the Planning Director and Ass't. Town Engineer (2/2/06). The application would create a single lot for an existing house from the larger Bovino property. More information is needed by Eastern Highlands Health District on water lines and other utilities. Other staff reports are also expected for the next meeting.

Home Selling Team property, 452 Storrs Rd., site modification request for proposed driveway onto Bassetts Bridge Rd., file 510 – 2/2/06 memos from the Town Attorney and Planning Director were noted. A 5/10/05 PZC approval of a previous application by this applicant is currently being contested in court, and a decision is expected later in February. Accordingly, Favretti MOVED, Zimmer seconded that the PZC table the January, 2006 site modification request of B. McCarthy until a decision is reached on the pending court case challenging the PZC's 5/10/05 special permit action regarding property at 452 Storrs Road, or until otherwise advised by the Town Attorney. Furthermore, the Zoning Agent is instructed to notify Mr. McCarthy of this action. MOTION PASSED unanimously.

Fenton and Mt. Hope Rivers proposed State Greenway designations – Mr. Padick's 2/2/06 memo with attached drafts explains the circumstances regarding the proposed designations; revised drafts dated 2/4/06 were distributed just prior to the meeting. Mr. Padick explained that endorsement of State Greenway designation for the Fenton River is being sought, sponsored by the towns of Mansfield and Willington and supported by Mansfield staff and WINCOG. Because the Naubesatuck Watershed Council is not a "land trust," all towns along the Fenton River must individually endorse the application through actions of their legislative bodies. Our staff are also in favor of this designation. Stearns MOVED, Gardner seconded that the Planning and Zoning Commission recommend the Town Council's endorsement of the Fenton River Greenway application. MOTION PASSED unanimously.

Stearns then MOVED, Gardner seconding, that the Planning and Zoning Commission authorize its Chairman, with staff assistance, to send a letter to the Connecticut Greenways Council supporting the Joshua's Trust application to designate the Mount Hope River as a State-designated greenway. MOTION PASSED unanimously. (Mansfield has been asked to obtain separate letters of support from the PZC, Town Council and Conservation Commission.)

Public Hearing, proposed efficiency unit, 98 Summit Rd., McChesney, file 1240 – The Public Hearing was called to order at 7:48 p.m. Members and alternates present were Favretti, Gardner, Hall, Kusmer, Plante, Pociask, Ryan and Stearns; Zimmer disqualified himself. The legal notice was read and the following communications noted: Planning

Dir. (2/1/06); Health District (1/30/06); O.&L. Devereaux (2/2/06). Mr. McChesney explained that the unit, which was viewed during the most recent field trip, would consist of an apartment above the garage, which is connected to the existing house, and would have access from both the garage and the house. There were no comments from the public, and the Hearing was closed at 7:53 p.m.

Ryan MOVED, Plante seconding, to approve with conditions the special permit application (file 1240) of David and Judith McChesney for an efficiency apartment on property located at 98 Summit Road, in an RAR-90 zone, as submitted to the Commission and shown on a site plan dated 8/25/05 and other application submissions, and as presented at a Public Hearing on 2/6/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section M, Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Director of Health and the Planning and Zoning Commission;
2. This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;
3. This special permit shall not become valid until it is filed upon the Land Records by the applicant.

MOTION PASSED unanimously.

New Business

Special permit application, fill activity at 140 Bassetts Bridge Rd., L. DeBoer, jr., appl., file 1242 – Hall MOVED, Gardner seconded to receive the special permit application (file 1242) submitted by Lowry R. DeBoer, jr. for fill activity on property located at 140 Bassetts Bridge Rd., owned by L. Richard DeBoer, jr., as shown on plans dated 9/13/05 and as described in other application submissions, to refer said application to the staff for review and comments, and to set a Public Hearing for March 6, 2006. MOTION PASSED unanimously.

Special permit application for proposed Mansfield Hydro project, Kirby Mill, 114 Mansfield Hollow Rd., S.&M. Shifrin, appl., file 1243 - Hall MOVED, Stearns seconded to receive the special permit application (file 1243) submitted by Sam and Michelle Shifrin for a hydropower modification for an existing non-conforming industrial use on property located at 114 Mansfield Hollow Rd., owned by the applicants, as shown on plans dated 1/31/06 and as described in other application submissions, to refer said application to the staff for review and comment, and to set a Public Hearing for March 6, 2006. MOTION PASSED unanimously.

Mohegan Square Freedom Green roadway and hydrant revisions, file 636-4 – Hall MOVED, Plante seconded to receive the special permit modification application (file 636-4) submitted by Beaudoin Brothers, LLC for Mohegan Square roadway and fire hydrant revisions on property located off Liberty Drive at Freedom Green, as shown on

plans dated 1/26/06 and as described in other application submissions, and to refer said application to the staff and Villages of Freedom Green Condominium Association for review and comment. MOTION PASSED unanimously.

Public Hearing, special permit application for proposed retail/storage/office use at 699 Storrs Rd., G.W. Bldg. & Development, LLC, file 554-3 – The Public Hearing was called to order at 8 p.m. Members and alternates present were Favretti, Gardner, Hall, Kusmer, Plante, Pociask, Ryan, Stearns and Zimmer. The legal notice was read and the following communications noted: Planning Dir. (2/1/06); Health District (1/30/06); Ass't. Town Engineer (2/2/06), Fire Marshal Office (2/2/06). Neighborhood notification requirements were also fulfilled. The applicants, John Zizek, and his business partner, are the new owners of the former Morneau lawn care equipment repair site, and wish to use the building for the sale and display of tile and wood products, with accompanying office use. There would be 3 employees; no outside storage is planned. The applicant stated that if a storage site is needed in the future, one will be sought elsewhere, as this is to be only a storefront display site. He estimated that large container truck deliveries could be expected 2 or 3 times a month, only during regular business hours on Monday through Friday, from 9 a.m. to 4 p.m. Mr. Zizek wishes to utilize the landscaping plan from the previous PZC approval for the site. He said he expects the store to be visited primarily by contractors and designers, and so the present parking area would be sufficient. In response to comments from some members and audience participants, Mr. Zizek stated that he plans to address the issue of exterior building improvements in the future, after the business proves successful. After further discussion, he agreed to submit revised clear and accurate plans for interior traffic/parking arrangements, landscaping, septic system, building exterior, signage, and other issues contained in staff comments. Noting comments from the Eastern Highlands Health District, Mr. Zizek stated that he plans to take steps to ensure a potable water supply from the well.

Richard DeBoer, jr., asked where the business is presently located and what the applicant's previous business experience has been; Mr. Zizek responded that the business is presently located in China. He explained that products are usually delivered to the client directly from the manufacturer, and no long-term storage of materials or large numbers of drive-in customers at this site would be involved, and that the entrance would be from Clover Mill Rd.

Bill Roe, abutting property-owner, stated that the exterior of the building should be improved before the business is allowed to open, but Mr. Zizek disagreed. Mr. Roe asked that the town make sure the use remains retail-only, and said that, on the whole, he supports the project as presented.

Brian McCarthy questioned the applicant's statement that the use of the building would be primarily as an office. He expressed concern regarding the coliform finding in the well. He also expressed dissatisfaction with what was termed the "layering approach" of the project, and recommended the town require an accurate plan with plans for a septic system. He stated his opinion that the proposal represents an over-use of the site.

Lowry deBoer questioned whether the town had performed an inspection for contamination on the land it recently purchased directly across the road from the application site.

Mr. Zimmer said he would like to see the exterior of the building improved to blend in with the appearance of the neighborhood. Mr. Zizek agreed with this comment and reiterated that he plans to enhance the appearance of the building and make it as pleasing as possible after the business becomes successful. He stated he intends to replace the present septic system, and that, according to a DEP study, all oil spills have been repaired and all underground tanks removed. He agreed to provide documentation from the DEP to that effect.

Mr. Roe requested the submission of a plan showing what the building is to look like before it is occupied.

After further discussion, Plante MOVED, Stearns seconded to recess the Hearing until 2/21/06. MOTION PASSED unanimously.

Field trip – By consensus, scheduled for Tuesday, Feb. 14th, at 1:45 p.m.

Designation of effective date for newly-approved Aquifer Protection Area Regulations - Mr. Padick stated that the new Mansfield Aquifer Protection Area Regulations have now been approved by the DEP, and the designation by the PZC, acting as Mansfield's Aquifer Protection Agency, of an effective date is necessary. Favretti MOVED, Zimmer seconded that, based on the 2/1/06 letter from the CT Department of Environmental Protection, the Planning and Zoning Commission, acting as Mansfield's Aquifer Protection Agency, establish February 15, 2006 as the effective date of the Mansfield Aquifer Protection Area Regulations. MOTION PASSED unanimously.

Mansfield Market Study – Copies of an Executive Summary of an 11/05 market study for the town were distributed this evening. Mr. Padick explained that the purpose of the study, commissioned by the town, was to determine the potential market viability of age-restricted and assisted-living housing. Members were asked to read the Executive Study, and to contact the Planning Office if they would like a copy of the entire study.

Regulatory Review Committee – Mr. Favretti informed members that a meeting date would be set within the next two weeks; all members were invited to attend.

Communications and Bills – As noted on the agenda or distributed at the meeting.

Mr. Padick outlined the status of the project so far and said a PZC application could be expected in March. He briefly discussed several other items, and noted that the Municipal Development Plan has now received State approval.

The meeting was adjourned at 9:08 p.m.

Respectfully submitted,
Peter Plante, Secretary pro tem.